

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Kevin Wayne McDaniels, #254398	)	
<i>aka Kevin W. McDaniels,</i>	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 4:09-1732-TLW-TER
	)	
S.C. Dept. of Corrections <u>et. al</u> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Plaintiff, Kevin Wayne McDaniels (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983. (Doc. #1). The plaintiff filed an amended complaint on August 10, 2009. (Doc. #22).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #13). In the Report, the Magistrate Judge recommends that the District Court dismiss defendant “S.C. Dept. of Corrections” without prejudice and without issuance and service of process. (Doc. #13). The defendant filed no objections to the report. Objections were due on July 30, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v.

Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #13). For the reasons articulated by the Magistrate Judge, defendant "S.C. Dept. of Corrections" is hereby **DISMISSED** without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

February 19, 2010  
Florence, South Carolina